

Don Johnson

From: Daniel C. Hill [dhill@AndersonKreiger.com]
Sent: Monday, June 13, 2005 4:53 PM
To: Don Johnson
Subject: FW: Acton/Chapter 40B - Planned Production Plan

Hi Don,

Just checking in to see you heard from Roland and the two selectmen on this.

Thanks, Dan.

Daniel C. Hill, Esq.
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-----Original Message-----

From: Roland Bartl [mailto:rbartl@acton-ma.gov]
Sent: Monday, May 02, 2005 10:51 AM
To: Planning Board; Acton Community Housing Corporation
Cc: Board of Selectmen; Economic Development Committee
Subject: Acton/Chapter 40B - Planned Production Plan

The message below is from Daniel Hill at Town Counsel's office regarding the draft housing production plan for Acton. You can review the draft plan by following this link:

<http://doc.acton-ma.gov/dsweb/Get/Document-9110/0ggz2xlf.pdf>

Please note the requested comment deadline of May 16, and provide your comments individually or as a group directly to Dan at:

dhill@andersonkreiger.com.

Thank You -

Roland Bartl, AICP
Town Planner, Town of Acton
472 Main Street
Acton, MA 01720
978-264-9636

Gentlemen,

Attached is a draft Affordable Housing Plan, prepared for certification by DHCD under its Chapter 40B "planned production" regulations. If DHCD certifies the plan, and the Town makes incremental progress towards reaching the statutory 10% housing unit minimum, the

ZBA can deny comprehensive permits, or approve them with conditions, with virtual impunity. Upon certification by DHCD that the Town is making progress in accordance with the plan, any decision by the ZBA with respect to a comprehensive permit application is deemed "consistent with local needs" as a matter of law. If the Town increases its affordable housing stock by .75%, it is entitled to a 1-year "moratorium" on 40B applications. A 1.5% increase entitles the Town to a 2-year moratorium. The Plan does not require the approval of any other local boards - it is submitted to DHCD by the Board of Selectmen.

The Laurel Hill project is expected to produce enough housing to enable the Town to be certified for a 2-year moratorium. To qualify, however, the plan must be submitted to DHCD before the comprehensive permit for Laurel Hill is issued. Under the Memorandum of Agreement, the ZBA is expected to issue a comprehensive permit by August 15, 2005. Therefore, if you are inclined to distribute this Plan to other boards for comment, I suggest imposing a May 16th deadline for comments so that we have plenty of time to make edits, if necessary. Under the regulations, DHCD has 90 days to approve or disapprove a plan. If DHCD disapproves our plan, for whatever reason, an early submittal will enable us to correct whatever deficiencies may exist, and still file an amended plan before the Laurel Hill permit is issued. Certification of the plan is retroactive to the date of submittal of a town's complete plan.

Thanks, Dan

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Don Johnson

From: Dore' Hunter
Sent: Tuesday, May 03, 2005 10:01 AM
To: Peter Ashton
Cc: Board of Selectmen
Subject: Acton/Chapter 40B - Planned Production Plan

Peter,

I have finished reading through this long document. Much of it, of course, is lifted from the "To Live In Acton" document which we have seen previously. Although I am admittedly been less exposed to planning issues than other members of the Board, this draft plan seems to make sense to me, and there is certainly incentive for us to get it approved prior to the issuance of a Comprehensive Permit for the Woodlands at Laurel Hill. Would it be appropriate to obtain comments from our two former members of the Planning Board and get this on an early agenda?

Regards,
Dore' Hunter
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